

Review of State Board Opinions- Charter Schools

Key Board Decision Outcomes	Opinion
<p align="center">Deadline for Review of Application</p> <ul style="list-style-type: none"> • §9-104(a) mandates that a local board review a charter school application and render a decision on the application within 120 days of its receipt. We (SBOE) believe the intent of the legislation was for local boards to then proceed with all deliberate speed in receiving and reviewing charter school applications. In the case at hand we (SBOE) find that delaying the process for an additional ten months for consideration of applications is not in compliance with the intent of the Maryland charter school law. • There is nothing in the law that permits a local board to defer consideration of an application for a public charter school or to defer the establishment of charter schools generally until a future date. As the State Board has already determined, the legislature intended for local boards to proceed with all deliberate speed in receiving and reviewing charter school applications. • SBOE finds that nothing in the Maryland Public Charter School Act that authorizes a local board to impose a two-year delay between approval of an application and the opening of a charter school 	<p align="center">4-32 Potomac Charter School v. PG County Board of Education Date: August 4, 2004 Page(s) 3</p> <p align="center">4-38 City Neighbors Charter School v. Baltimore City Board of School Commissioners Date: October 6, 2004 Page(s) 5</p> <p align="center">05-23 Chesapeake Public Charter v. St. Mary's County Board of Education Page(s) 8</p>
<p align="center">Setting limits for the establishment of charter schools</p> <ul style="list-style-type: none"> • Further, we (SBOE) find no basis in the Maryland Public Charter School Act that authorizes the Baltimore City Board of School Commissioners to adopt a policy not to charter more than three schools in the first three years of the charter school program. There is nothing in the Act that permits the arbitrary setting of a limit on the number of charters that are granted. 	<p align="center">4-38 City Neighbors Charter School v. Baltimore City Board of School Commissioners Date: October 6, 2004 Page(s) 5</p>

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<p align="center">Funding</p> <ul style="list-style-type: none"> Regarding the appropriate level of funding for charter schools. <i>Refer to pages 6-7 in Opinion 05-18,</i> Application should specifically ask for a budget based on specific per pupil figure. 	<p align="center">05-17 City Neighbors Charter School v. Baltimore City Board of School Commissioners</p> <p align="center">05-18 Lincoln Charter Public School, Inc v. PG County Board of Education</p> <p align="center">05-19 Patterson Park Public Charter School v. Baltimore City Board of School Commissioners Date: May 26, 2005</p> <p align="center">06-16 Imagine Belair Edison Charter School v. Baltimore City Board of School Commissioners Dated: May 24, 2006 Page 9</p> <p align="center">16-17 Monocacy Montessori Communities, Inc. v. Frederick County Board of Education Dated: May 24, 2006</p>
<p align="center">Timeline for finalizing the charter agreement</p> <ul style="list-style-type: none"> The thoroughness of the application process should pave the way for the incorporation of the approved application into the body of the charter school agreement with the need for minimal additional negotiation in completing the charter agreement; therefore, the charter agreement must be completed within 30 calendar days from the date of the decision approving the charter application. 	<p align="center">05-17 City Neighbors Charter School v. Baltimore City Board of School Commissioners Date: May 26, 2005 Page(s) 3</p>
<p align="center">Evaluation of Application</p> <ul style="list-style-type: none"> We find that if a numerical rating scale is used to evaluate an application, the local board must provide an analytical key that describes with specificity what is necessary or adequate to achieve each point on the scale and that the 3-page evaluation letter should have included as an attachment a copy of the complete charter school evaluation and recommendation prepared by the local superintendent and staff. 	<p align="center">05-08 Potomac Public Charter School v. PG County Board of Education Date: March 11, 2005</p> <p align="center">Page(s) 7</p>

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<ul style="list-style-type: none"> One of the most difficult yet critical issues in reviewing a charter school application is assessing the capacity of the founding group putting forth the application. One way to assess capacity is through an interview of the founding group putting forth the application. 	<p align="center">06-14 UMOJA Academy v. Baltimore City Board of School Commissioners Date: May 3, 2006</p> <p align="center">Page 5</p>
<p align="center">Non Profit Status</p> <ul style="list-style-type: none"> We (SBOE) believe, if an entity has obtained a federal tax identification number, it will have sufficiently demonstrated its non-profit status for the purpose of applying to be a charter school. <p>Comparing a grant approval to an charter approval</p> <ul style="list-style-type: none"> A grant application and a full blown charter school application are not comparable documents. A high score on one does not necessarily mean that a high score on the other must follow. Moreover, the grant approval letter makes clear that approval of the charter is a condition precedent to receiving the grant. In short, the grant score is not relevant in judging the sufficiency of the charter school application. Sufficiency of the application must be judged on the quality of the application alone. 	<p align="center">05-21 Dr. Ben Carson Charter School v. Harford County Board of Education Date: June 7, 2005 Page(s) 4</p> <p align="center">05-21 Dr. Ben Carson Charter School v. Harford County Board of Education Date: June 7, 2005 Page(s) 6</p>
<p align="center">Requirement of Superintendents Recommendation</p> <ul style="list-style-type: none"> SBOE directs each local superintendent from now forward to provide to the local board a detailed recommendation for approval or denial of a charter school application. <p align="center">Local Board's Explanation</p> <ul style="list-style-type: none"> SBOE finds that in fairness to the applicants and members of the public, a local board must provide in addition to its decision approving or denying a charter application, an explanation or rationale for its decision. Furthermore, if a local board chooses to give its decision orally, it must also state the rationale for its decision at the public meeting. 	<p align="center">05-23 Chesapeake Public Charter v. St. Mary's County Board of Education</p> <p align="center">Page(s) 5</p> <p align="center">05-23 Chesapeake Public Charter v. St. Mary's County Board of Education</p> <p align="center">Page(s) 7</p>

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<p align="center">Hearing on a Board Decision</p> <ul style="list-style-type: none"> • There is no legal requirement that a charter school applicant be afforded a hearing prior to a decision on the merits of the application. 	<p align="center">05-21 Dr. Ben Carson Charter School v. Harford</p> <p align="center">County Board of Education Date: June 7, 2005 Page(s) 8</p>
<p align="center">The use of a consultant</p> <ul style="list-style-type: none"> • The SBOE concludes that the charter school applicants must reveal to the chartering authority both the financial and operational arrangements made with the educational management organization or consultant due to the implications such an arrangement can have on the daily and financial operations of a school 	<p align="center">06-14 UMOJA Academy v. Baltimore City Board of School Commissioners</p> <p align="center">Date: May 3, 2006 Page 6</p>
<p align="center">Notification of Application Denial</p> <ul style="list-style-type: none"> • Notify applicant using one letter, on system letterhead, appropriately signed and dated and sent via U.S. mail. 	<p align="center">06-16 Imagine Belair Edison Charter School v. Baltimore City Board of School Commissioners</p> <p align="center">Dated: May 24, 2006 Page 5</p>
<p align="center">Timeline/Deadlines Documents</p> <ul style="list-style-type: none"> • It is the SBOE’s opinion that for clarity and fairness in the process, the school system should inform charter school applicants of the purpose of a timeline document and whether or not there are immutable deadlines within it. • Deadlines must be announced if it is to be useful and enforceable. 	<p align="center">06-30 Lincoln Public Charter School, Inc. v. Prince George’s County Board of Education</p> <p align="center">Dated: September 26 2006 Page 7</p> <p align="center">06-30 Lincoln Public Charter School, Inc. v. Prince George’s County Board of Education</p> <p align="center">Dated: September 26 2006 Page 8</p>